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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

DENISE L. FARINA,

Debtor.

Case No. 17-27738-RG

Judge: Hon. Rosemary Gambardella

Chapter 13

Hrg. Date: Oct. 17, 2018 @ 10:30 am

Oral argument Not Requested

Unless Timely Objection is Made

**CERTIFICATION OF DEBTOR IN
SUPPORT OF MOTION TO DISMISS CASE**

I, Denise L. Farina, of full age, certify as follows:

1. On or about August 31, 2017, I filed a bankruptcy petition pursuant to Chapter 13, Title 11 of the United States Code and bearing Case No. 13-32301.
2. I hereby request this Court to enter an order dismissing the above-entitled bankruptcy case pursuant to 11 U.S.C. § 1307(b) and Fed. R. Bankr. P 9013.
3. The above-entitled case was commenced by the filing of a voluntary petition under chapter 13 and has not been converted under 11 U.S.C. §§ 706, 1112, or 1208.
4. There is no motion for relief from, annulment of, or conditioning of the automatic stay pending in this case and no such motions have been filed in this case.

5. Prior to the commencement of this case, I was embroiled in litigation with my prior employer. Michael J. Luciano (“Luciano”), IC Improvements, LLC (“ICI”) (ICI and Luciano shall be referred to, collectively, as the “ICI Parties”) and the Debtor were litigants.

6. The ICI Parties and I are litigants in the following actions, judgments and proceedings (the “Disputes”):

- a. A civil action and judgment entitled IC Improvements, LLC and Michael J. Luciano, Plaintiffs v. Denise Farina, Defendant, Superior Court of New Jersey, Morris County (Docket No. MRS-L-2611-16) (the “State Court Action”); and
- b. An appeal of the judgment in State Court Action entitled IC Improvements, LLC and Michael J. Luciano, Plaintiffs-Respondents, v. Denise Farina, Defendant-Defendant Appellant (Docket No. A-3602-17) (the “Appeal”).

7. The sole reason for the commencement of this case was to stay execution of the judgement in favor of the ICI Parties pending final determination on appeal. The judgement in favor of the ICI Parties was in the amount of \$274,574.97. The unsecured creditor body in this case (exclusive of the ICI Parties) consists of two credit cards in the approximate total amount of \$21,018.00.


8. All my financial obligations were being paid as agreed prior to the commencement of the bankruptcy case. Schedule B of the petition demonstrates liquid cash reserves of \$133,201.79 and a joint interest in real property valued at \$250,000. Schedule J of the petition, as amended (Doc Entry 63), reflects net monthly income of \$1,626.00.

9. The ICI parties brought an adversary proceeding entitled IC Improvements, LLC and Michael J. Luciano, Plaintiffs v. Denise Farina, Defendant (Adv. No. 17-1769-RG) (the “Adversary Proceeding”) seeking a determination that its claim is non-dischargeable. The parties attended mediation and subsequently reached an agreement.

10. The ICI Parties I now wish to fully and finally compromise and settle all disputes and have entered into a Confidential Agreement of Compromise, Settlement and Release. Unless compelled by court order or legal process the terms of the Settlement Agreement are to be confidential between the parties, and shall not be disclosed, either directly or indirectly, to any person or entity. In response to any inquiry regarding the disputes settled, the parties may indicate only that the dispute is settled and that the action, claim, appeal or proceeding, as applicable, has been withdrawn, but the parties may not otherwise disclose the outcome.
11. The Settlement Agreement will become null and void unless the parties are permitted to effectuate the agreement on or before October 25, 2018
12. The settlement will not impair my ability to satisfy all her financial obligations in full.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of these statements are willfully false, I am subject to punishment.

Dated: September 24, 2018


/s/ Denise Farina
Denise Farina